

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

LANDON DAVID PARKER, by next friends	§	
John Chauvet Parker and Cristin Parker,	§	
Plaintiff,	§	
	§	
v.	§	
	§	
	§	CIVIL ACTION NO. 1:11-cv-12-LY
	§	
CHRIS TRAYLOR, in his official capacity	§	
as COMMISSIONER, TEXAS	§	
DEPARTMENT OF AGING AND	§	
DISABILITY SERVICES, and TOM SUEHS,	§	
in his official capacity as EXECUTIVE	§	
COMMISSIONER, TEXAS HEALTH AND	§	
HUMAN SERVICES COMMISSION,	§	
Defendants.	§	

PARTIES JOINT REPORT ON CASE STATUS

1. This matter is currently set for trial for the month of August 2012. The parties in this matter are also currently scheduled to have a pre-trial conference on July 27, 2012.

2. As of March 21, 2012, the parties have reached an agreement in principle to resolve this case by approving the Plaintiff, Landon David Parker, for Star + Plus Waiver services at an annual cost of \$168,696. Additionally, the Plaintiff, Landon David Parker will be allowed, through his next friends and guardians, John Chauvet Parker and Cristin Parker, to begin the process of enrolling in the Consumer Directed Services (CDS) Option for the Star + Plus Waiver program. The parties anticipate a maximum of ninety (90) additional days to complete enrollment and the transition to CDS.

3. Upon information and belief, without the Consumer Directed Services option, Landon Parker will be forced pay for Skilled Nursing from his Star + Plus budget at a rate of \$34.14. Further, as much as 45% of Landon Parker's skilled nursing budget would be paid out

in administrative fees and agency costs. However, under the CDS Option, Landon Parker will be able to eliminate most of those administrative costs and agency fees by hiring skilled nursing staff directly at a much reduced rate, and thereby increase the number of hours available within his skilled nursing budget.

4. The Plaintiff asks that this court keep its order in place extending Landon Parker's current level of private duty nursing until the CDS process is completed and it is determined that Mr. Parker will be able to acquire the appropriate amount of skilled nursing medically necessary to maintain his placement in his family home. Defendants are unopposed to this extension.

5. It is anticipated that, upon Mr. Parker's enrollment in the in the CDS option for the Star + Plus Waiver Program, within ten days after Landon David Parker begins receiving services in the program, he will file a motion to dismiss this lawsuit without prejudice. Additionally the parties agree that the Plaintiff will withdraw his request for Medicaid Fair Hearing currently pending before the Texas Health and Human Services Commission Hearing Division, bearing appeal ID No. 1594768.

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